

REMARKS/ARGUMENTS

In the Restriction Requirement mailed on July 2, 2004, the Examiner stated that the requirement was being imposed because the application contains claims directed to more than one patentably distinct “sub-combination.” The Examiner has restricted prosecution of this application to either “telecommunication program distribution” claims (Group I), “electronic communication device” claims (Group II) or “structure application processing” claims (Group III). Applicant elects restriction to Group I, corresponding to Claims 1 - 10. Applicants reserve the right to pursue the non-elected claims in a divisional application or in the present application, should the restriction requirement be retracted.

Applicants traverse the Restriction Requirement asserted by the Examiner in the present application. As set forth in Section 803 of the MPEP, the Examiner must examine an application on the merits if the examination of the entire application can be made without serious burden.

The Restriction Requirement is proper where two criteria are present:

1. The inventions must be independent or distinct as claimed; and
2. There must be a serious burden on the Examiner if the restriction is not required.

In the Restriction Requirement mailed on July 2, 2004, the Examiner has failed to demonstrate or even state that a serious burden will be placed on the Examiner if the restriction is not required.

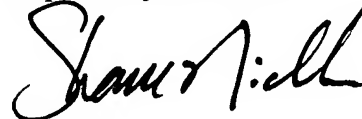
Accordingly, there is no established basis for the restriction requirement.

Applicants respectfully submit that a serious burden has not been placed on the Examiner to consider all of the claims in a single application. A review of the subject matter set forth in the claims shows that they are substantially related. Therefore, the Applicants respectfully submit that restriction is improper and request that the Restriction Requirement be withdrawn.

If the Examiner believes that there are any issues that can be resolved by a telephone conference, or that there are any informalities that can be corrected by an Examiner's amendment, a telephone call to the undersigned at (404) 572-3507 is respectfully requested.

No fees are believed to be due in connection with this response. However, should the Commissioner determine otherwise, he is authorized to charge such fees and credit any overpayment to Deposit Account No. 11-0980.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Shane Nichols", written over a horizontal line.

A. Shane Nichols

Reg. No. 43,836

KING & SPALDING LLP
191 Peachtree Street, 45th Floor
Atlanta, Georgia 30303-1763
Facsimile: 404-572-5145
K&S File No. 08811.105001
3544738